

**CHAPTER NO. 1098**

**SENATE BILL NO. 3095**

**By Person, Atchley**

Substituted for: House Bill No. 2881

By Stamps, McDaniel

AN ACT To amend Tennessee Code Annotated, Title 4; Title 5; Title 6; Title 7; Title 8; Title 9; Title 12; Title 16; Title 17; Title 18; Title 19; Title 20; Title 21; Title 24; Title 25; Title 26; Title 28; Title 29; Title 34; Title 36; Title 37; Title 38; Title 39; Title 40; Title 41; Title 45; Title 50; Title 55; Title 56; Title 66; Title 67; Title 68; Title 70 and Title 71, relative to children.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 24-7-118(b)(1), is amended by deleting the language "duplicate original" and by substituting instead the word "copy".

SECTION 2. Tennessee Code Annotated, Section 24-7-118(d), is amended by deleting subsection (d) in its entirety and by substituting instead the following:

(d) If at any time during the hearing described in (c)(2), the court, the referee, or the hearing officer has reasonable cause to believe that a signatory of the acknowledgment is or was unable to understand the effects of executing such acknowledgment, the court, the referee or hearing officer shall explain orally to the individual the effects of the execution of the acknowledgment and the right to rescind the voluntary acknowledgment pursuant to subsection (c) and the right to parentage tests to determine paternity pursuant to the provisions of § 24-7-112 in any proceeding relative to the issue of paternity of the child.

SECTION 3. Tennessee Code Annotated, Section 36-1-111, is amended by deleting subsection (w) in its entirety and by substituting instead the following:

(w)(1) Notwithstanding any other provision of law to the contrary, a waiver of interest and notice, when signed under oath by the alleged biological father, shall serve to waive the alleged biological father's interest in the child and his rights to notice of any proceedings with respect to the child's adoption, custody or guardianship. The alleged biological father who executes the waiver shall not be required to be made a party to any adoption proceedings, custody or guardianship proceedings with respect to the child and shall not be entitled to receive notice thereof, and the court in any adoption proceeding, notwithstanding any law to the contrary, shall have jurisdiction to enter a final order of adoption of the child based upon the waiver, and in other proceedings to determine the child's legal custody or guardianship shall have jurisdiction to enter an order for those purposes. The waiver may not be revoked.

(2)(A) The execution of the waiver, in conjunction with a final order of adoption of the child, shall irrevocably terminate all rights the alleged biological father has or may have to the child and any rights the child has or may have relative to the alleged biological father. Upon entry of a final order of adoption of the child, the waiver, except as provided in subdivision (2)(B), shall also

terminate the responsibility of the alleged biological father for any future child support or other financial obligations to the child, or to the child's mother which are related to the child's support, arising after the date of the execution of the waiver.

(B) If, after execution of the waiver, a final order of adoption is not entered, and a parentage action is initiated against the alleged biological father or the alleged biological father executes a voluntary acknowledgment of paternity, the alleged biological father shall become liable for child support or other financial obligations to the child, or to the child's mother which are related to the child's support, arising after the execution of the waiver and beginning with the date of the entry of an order establishing his parentage to the child or upon the date of his execution of a voluntary acknowledgment of paternity; provided, if paternity is later established, the alleged biological father who executed the waiver shall be liable for all or a portion of the actual medical and hospital expenses of the child's birth and all or a portion of the mother's pre-natal and post-natal care up to thirty (30) days following the child's birth if the parentage action is initiated or the voluntary acknowledgment of paternity is executed within two (2) years of the date of the execution of the waiver.

(3) The waiver shall not be valid for use by a legal father as defined under § 36-1-102 or for any man listed as the father of a child on the child's birth certificate.

(4) The waiver of interest and notice may be executed at any time after the biological mother executes a sworn statement identifying such person as the biological father of her child to be born, or at any time after the birth of the child.

(5) The waiver of interest and notice shall be legally sufficient if it contains a statement comparable to the following:

#### WAIVER OF INTEREST AND NOTICE

STATE OF \_\_\_\_\_)  
COUNTY OF \_\_\_\_\_)

Pursuant to Tennessee Code Annotated, § 36-1-111(w), and first being duly sworn according to law, Affiant would state the following:

My name is \_\_\_\_\_. I understand that I have been named by \_\_\_\_\_, the mother of a child [to be born], or a [child] which was born in \_\_\_\_\_ (City) \_\_\_\_\_ (State) on the \_\_\_\_ day of \_\_\_\_\_, 19\_\_ (or 20\_\_)], as the father or possible father of that child. I further understand that the mother has placed or wishes to place this child for adoption or that the child is the subject of legal proceedings leading to the child's adoption, or leading to a determination of the child's legal custody or guardianship.

I am not necessarily admitting or saying that I am the father of this child, but if I am, I do not wish to provide care for this child, and I feel it would be in the child's best interest for this adoption to occur, or for other custody or guardianship

proceedings to occur in the child's best interests. I hereby formally waive any right to notice of the legal proceedings: to adopt this child; to otherwise make this child available for adoption; or to award the child's legal custody or guardianship to other persons or agencies. I hereby formally waive any further parental rights to the child and execute this document to finally terminate my rights, if I have any rights, to this child, upon entry of a final order of adoption for this child.

If the child is not yet born:

[I have received and reviewed a copy of the sworn statement of the child's mother in which she identifies me as the father of the child.]

I consent to adoption of this child by any persons chosen by the child's mother or by any public or private agency, and consent to the establishment of any legal custody or guardianship arrangements for the child.

I understand that by execution of this waiver, this child may be adopted by other persons or that other custody or guardianship proceedings regarding the child's status may occur and that I will have no rights, if I have any, to act as parent, to visit with, or otherwise be involved in this child's life, unless and until a legal relationship is established between me and the child.

I further understand that I may not revoke this waiver at anytime after I sign it.

I further understand that if the child is not adopted, that legal proceedings can be brought to seek to establish me as the legal father, and I may become liable for financial support or financial obligations for this child or to the child's mother which are related to the child's support, arising after I sign this waiver, and beginning on the date an order is entered which establishes me as the child's father or beginning on the date I sign a voluntary acknowledgment of paternity of the child. I also understand that if the child is not adopted and paternity is later established by legal proceedings, or if I sign a voluntary acknowledgement of paternity, I could be liable for all or a portion of the actual medical and hospital expenses of the child's birth and all or a portion of the mother's pre-natal and post-natal care up to thirty (30) days following the child's birth if the legal proceeding to establish me as the child's father is brought, or the voluntary acknowledgment of paternity of the child is signed, within two (2) years of the date I sign this waiver.

FURTHER, AFFIANT SAITH NOT.

DATED: THE \_\_\_\_ DAY OF \_\_\_\_\_, 19\_\_(20\_\_).

\_\_\_\_\_  
Alleged Father (Please Print)

\_\_\_\_\_  
Signature of Alleged Father

\_\_\_\_\_  
Address

Personally appeared before me the above-named \_\_\_\_\_ who is known to me and who acknowledged that he executed the above Waiver of Interest and Notice as his own free and voluntary act.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

SECTION 4. Tennessee Code Annotated, Section 36-1-113(g)(8)(A)(vi), is amended by deleting the code reference “§ 36-2-209(j)” and by substituting instead the code reference “§ 36-2-318(j)”.

SECTION 5. Tennessee Code Annotated, Section 36-1-117(b)(1), is amended by deleting the language “Section 81 of this act” and by substituting instead the symbols and figures “§ 36-2-307”.

SECTION 6. Tennessee Code Annotated, Section 36-1-117(c)(1), is amended by deleting the code reference “ § 36-2-209” and by substituting instead the code reference “ § 36-2-318”.

SECTION 7. Tennessee Code Annotated, Section 36-1-117(c)(3), is amended by deleting the code references “§ 36-2-209(e)(3)” and “§ 36-2-209(f)(2)” and by substituting instead, respectively, “§ 36-2-318(e)(3)” and “36-2-318(f)(2)”, and by deleting any references to the repeal of § 36-2-209.

SECTION 8. Tennessee Code Annotated, Section 36-2-304, is amended by deleting subsection (b) in its entirety and by substituting instead the following:

(b)(1) Except as provided in subdivision (2), a presumption under subsection (a) may be rebutted in an appropriate action.

(2) If the mother was legally married and living with her husband at the time of conception and has remained together with that husband through the date a petition to establish parentage is filed and both the mother and her husband file a sworn answer stating that the husband is the father of the child, any action seeking to establish parentage must be brought within twelve (12) months of the birth of the child. In the event that an action is dismissed based upon the filing of such a sworn answer, the husband and wife who filed such sworn answer shall be estopped to deny paternity in any future action.

(3) The standard of proof in an action to rebut paternity shall be by preponderance of the evidence.

SECTION 9. Tennessee Code Annotated, Section 36-2-307, is amended by deleting subsection (d) in its entirety.

SECTION 10. Tennessee Code Annotated, Section 36-2-309, is amended by deleting subsections (a) and (b) in their entireties, by redesignating subsection (c) as subsection (b) and by adding the following new subsection (a):

(a) Tests for parentage in actions arising pursuant to this part or in any actions to determine parentage shall be conducted pursuant to § 24-7-112.

SECTION 11. Tennessee Code Annotated, Section 36-2-311(d), is amended by deleting subdivision (1) in its entirety and by substituting instead the following:

(d)(1) When the court enters an order in which the paternity of a child is determined or support is ordered, enforced or modified for a child, each individual who is a party to any action pursuant to this part shall be immediately required to file with the court and, if the case is a Title IV-D child support case, shall immediately file with the local Title IV-D child support office, for entry into the state registry of support cases, and shall update, as appropriate, the parties' and, for subdivisions (1)(A)-(1)(C), the child's or children's:

- (A) Full name and any change in name;
- (B) Social security number and date and place of birth;
- (C) Residential and mailing addresses;
- (D) Home telephone numbers;
- (E) Driver's license number;
- (F) The name, address, and telephone number of the person's employer;
- (G) The availability and cost of health insurance for the child; and
- (H) Gross annual income.

The requirements of this subdivision may be included in the court's order.

SECTION 12. Tennessee Code Annotated, Section 36-2-322, is amended by deleting the section in its entirety and by substituting instead the following:

36-2-322. -- Payment of overdue support for children receiving assistance.-- In any case in which a child is receiving assistance under a state program funded under Title IV-A of the Social Security Act, including, but not limited to, temporary assistance as provided under Title 71, and the payment of support for such child is overdue, then, the Department of Human Services may issue an administrative order, to direct an individual who owes overdue support to such a child to pay the overdue support in accordance with a plan for payment of all overdue support or to engage in work activities, as otherwise required and defined by the provisions of § 36-5-113.

SECTION 13. Tennessee Code Annotated, Section 36-5-101(a)(1), is amended by deleting the language "aid to families with dependent children (AFDC)" in the last sentence and by substituting instead the language "temporary assistance pursuant to Title 71, Chapter 3, Part 1".

SECTION 14. Tennessee Code Annotated, Section 36-5-101(a)(4), is amended by deleting subdivision (4)(B)(i) in its entirety and by substituting instead the following:

(i) When the court enters an order in which the paternity of a child is determined or support is ordered, enforced or modified for a child, each individual who is a party to any action pursuant to this part shall be immediately required to file with the court and, if the case is a Title IV-D child support case, shall immediately file with the local Title IV-D child support office, for entry into the

state registry of support cases, and shall update, as appropriate, the parties' and, for subdivisions (B)(l)(a)-(B)(l)(c), the child's or children's:

- (a) Full name and any change in name;
- (b) Social security number and date and place of birth;
- (c) Residential and mailing addresses;
- (d) Home telephone numbers;
- (e) Driver's license number;
- (f) The name, address, and telephone number of the person's employer;
- (g) The availability and cost of health insurance for the child; and
- (h) Gross annual income.

The requirements of this subdivision may be included in the court's order.

SECTION 15. Tennessee Code Annotated, Section 36-5-101(b), is amended by deleting the first sentence and by substituting instead the following:

In addition to the remedies provided in Part 5 of this chapter, but not as an alternative to those provisions, if a parent is more than thirty (30) days in arrears, the clerk of the court may, upon written application of the obligee parent, a guardian or custodian of the children, or the Department of Human Services or its contractors in Title IV-D support cases, issue a summons or, in the discretion of the court, an attachment for such parent, setting a bond of not less than two hundred fifty dollars (\$250.00) or, in the discretion of the court, up to the amount of the arrears, for such other proceedings as may be held in the matter.

SECTION 16. Tennessee Code Annotated, Section 36-5-103(f), is amended by adding the following sentence between the first and second sentences in subdivision (4):

No fee shall be charged for the filing of the order; provided, however, if Senate Bill 3303/House Bill 3305 (Chapter \_\_\_\_ of the Public Acts of 1998) is enacted and the cost reimbursement provisions are implemented as provided therein, the provisions of this sentence shall be void.

Tennessee Code Annotated, Section 36-5-103(f), is further amended by deleting the language and symbol "pursuant to § 36-5-101(e)" in subdivision (6), and by substituting instead the language and symbol "pursuant to § 36-5-101(e) or, if applicable, pursuant to subdivisions (f)(2)(A) or (f)(2)(B)".

SECTION 17. Tennessee Code Annotated, Section 36-5-113, is amended by deleting the Section in its entirety and by substituting instead the following:

36-5-113. Plans for payment of child support; work requirements.—

(a)(1) In any case in which a child is receiving assistance under a state program funded under Title IV-A of the Social Security Act, including, but not limited to, temporary assistance as provided under Title 71, and the payment of support for such child is overdue, then the Department of Human Services may issue an administrative order to direct an individual

who owes overdue support to such a child to pay the overdue support in accordance with a plan for payment of all overdue support.

(2) The plan shall require the obligor to pay the overdue amount in full, or by monthly installments, which are calculated to reduce the overdue amount by a reasonable payment over a reasonable period of time. The order may be enforced by either the court with jurisdiction of the support order or by the department pursuant to § 36-5-811 or § 36-5-812, or by any other remedies available for the collection or enforcement of current support.

(b) The department may also order the individual who is not incapacitated and who is subject to a plan requiring payment of the overdue support for a child receiving assistance under a State program funded under Title IV-A of the Social Security Act, including, but not limited to, temporary assistance as provided under Title 71, to engage in work activities as required under § 71-3-154.

(c) A copy of the order issued pursuant to this section shall be filed with the court. No fee shall be charged for the filing of the order; provided, however, if Senate Bill 3303/House Bill 3305 (Chapter \_\_\_\_ of the Public Acts of 1998) is enacted and the cost reimbursement provisions are implemented as provided therein, the provisions of this sentence shall be void.

(d) An order issued by the department pursuant to this part may be appealed as provided in Part 10 of this chapter.

(e) For purposes of this section, the term "overdue" support shall be defined as any occasion on which the full amount of support ordered for or on behalf of a minor child, or for a spouse or former spouse of the obligor with whom the child is living to the extent the spousal support would be included for the purposes of 42 U.S.C. 654(4), is not paid by the due date for arrears as defined in § 36-5-101(a)(5), unless an income assignment is in effect and the payer of income is paying pursuant to § 36-5-501(g).

SECTION 18. Tennessee Code Annotated, Section 36-5-501(b)(1)(D), is amended by adding the following language at the end of the subdivision (1)(D):

No court order expressly authorizing an income assignment shall be required under this paragraph.

SECTION 19. Tennessee Code Annotated, Section 36-5-501(b)(1)(H), is amended by adding the language "or spousal" immediately after the word "child".

SECTION 20. Tennessee Code Annotated, Section 36-5-501(b), is amended by deleting subdivision (2) in its entirety and by substituting instead the following:

(2) When an order of income assignment has been issued pursuant to subdivision (b)(1)(B) or (b)(1)(D), the clerk, or the department in Title IV-D cases, shall send a notice to the obligor within two (2) business days of the issuance of the order of income assignment being sent to the obligor's employer. If the assignment is made pursuant to subdivisions (b)(1)(B) or (b)(1)(D), the notice must be sent to the address of the obligor, if known, or to the obligor at the address of the employer of the obligor if the obligor's address is unknown.

SECTION 21. Tennessee Code Annotated, Section 36-5-501(b), is amended by adding the following new subdivision:

(4) Orders of income assignment issued by the Department of Human Services or its contractors shall be filed with the court. No fee shall be charged for filing such orders; provided, however, if Senate Bill 3303/House Bill 3305 (Chapter \_\_\_\_ of the Public Acts of 1998) is enacted and the cost reimbursement provisions are implemented as provided therein, the provisions of this sentence shall be void.

SECTION 22. Tennessee Code Annotated, Section 36-5-501(g), is amended by deleting the first sentence and by substituting instead the following language:

The assignment or any subsequent modification is binding upon any employer, person or corporation, including successive employers, fourteen (14) days after mailing or other transmission or personal service of the order from the clerk of the court, or from the department by administrative order of income assignment, pursuant to this section. The amount withheld must be sent to the clerk or the department, or if based upon a direct withholding from another state pursuant to the Uniform Interstate Family Support Act compiled in Parts 20-29 of this chapter, shall be sent to the other state as directed by that order of assignment. The amount withheld shall be sent by the employer within seven (7) days of the date the person obligated to pay support is paid or the date such person is to be paid or the date the amount due such person is to be credited. The order is binding until further notice.

SECTION 23. Tennessee Code Annotated, Section 36-5-501(j), is amended by designating the current language as subdivision (1), and by adding the following new subdivision:

(2) "Spousal support" as used in this part shall mean a legally enforceable obligation assessed against an individual for the support of a spouse or former spouse who is living with a child or children for whom the individual also owes support. Income assignments pursuant to this part shall apply to spousal support obligations as defined in this subdivision.

SECTION 24. Tennessee Code Annotated, Section 36-5-501(l), is amended by deleting the word "notice" in the fourth sentence and by substituting the language "notice or order".

SECTION 25. Tennessee Code Annotated, Title 36, Chapter 5, Part 6, is repealed.

SECTION 26. Tennessee Code Annotated, Section 36-5-802, is amended by transferring the last sentence of subdivision (3) to the end of subdivision (4).

SECTION 27. Tennessee Code Annotated, Section 36-5-803, is amended by adding the following language at the end of subsection (b):

No fee shall be charged for the filing of such order; provided, however, if Senate Bill 3303/House Bill 3305 (Chapter \_\_\_\_ of the Public Acts of 1998) is enacted and the cost reimbursement provisions are implemented as provided therein, the provisions of this sentence shall be void.

SECTION 28. Tennessee Code Annotated, Section 36-5-804, is amended by adding the following language at the end of subsection (b):



No fee shall be charged for the filing of such order; provided, however, if Senate Bill 3303/House Bill 3305 (Chapter \_\_\_\_ of the Public Acts of 1998) is enacted and the cost reimbursement provisions are implemented as provided therein, the provisions of this sentence shall be void.

SECTION 29. Tennessee Code Annotated, Section 36-5-805, is amended by deleting subdivision (a) in its entirety and by substituting instead the following:

(a) Each individual who is a party to any action pursuant to §§ 36-5-802, 36-5-803 and 36-5-804 of this part, or § 36-5-103(f), shall be required, and the department shall order the party to file with the local Title IV-D child support office, upon entry of an order by the department, for entry into the state registry of support cases, and to update, as appropriate, the parties' and, for subdivisions (a)(1)-(a)(3), the child's or children's:

- (1) Full name and any change in name;
- (2) Social security number and date and place of birth;
- (3) Residential and mailing addresses;
- (4) Home telephone numbers;
- (5) Driver's license number;
- (6) The name, address, and telephone number of the person's employer;
- (7) The availability and cost of health insurance for the child; and
- (8) Gross annual income.

SECTION 30. Tennessee Code Annotated, Section 36-5-805(b), is amended by deleting the language and figure "twenty (20)" and by substituting instead the language and figure "ten (10)".

SECTION 31. Tennessee Code Annotated, Section 36-5-805, is amended by deleting subsection (d) in its entirety.

SECTION 32. Tennessee Code Annotated, Section 36-5-809, is amended by adding the punctuation and language ", subpoenas or requests" between the language "Administrative orders" and "of child support enforcement agencies" in subsection (a).

SECTION 33. Tennessee Code Annotated, Section 36-5-809(b), is amended by deleting the subsection in its entirety and by substituting instead the following:

(b) The administrative orders, subpoenas, and requests issued by such agencies may be enforced upon their behalf, upon their request, by the department or its Title IV-D contractors pursuant to the requirements of §§ 36-5-811 or 36-5-812.

SECTION 34. Tennessee Code Annotated, Section 36-5-812(c), is amended by adding the punctuation and language ", subpoenas or requests" between the words "administrative orders" and "by directing".

SECTION 35. Tennessee Code Annotated, Title 36, Chapter 5, Part 8, is amended by adding the following as a new Section 36-5-813 and by redesignating existing sections accordingly:

36-5-813. Administrative orders to determine continuing exclusive jurisdiction-- (a) The department, when acting as the tribunal of the state pursuant to § 36-5-2102 and Title 36, Chapter 5, Parts 20-29, in the administrative establishment or enforcement of support, shall have authority to issue an administrative order to determine which state would have continuing exclusive jurisdiction for modification of orders in any interstate cases pursuant to the Uniform Interstate Family Support Act. A copy of the order shall be filed with the court. No fees shall be charged for the filing of such order; provided, however, if Senate Bill 3303/House Bill 3305 (Chapter \_\_\_\_ of the Public Acts of 1998) is enacted and the cost reimbursement provisions are implemented as provided therein, the provisions of this sentence shall be void.

(b) The determination made pursuant to subsection (a) may be appealed as provided pursuant to Part 10 of this chapter.

SECTION 36. Tennessee Code Annotated, Section 36-5-901(b), is amended by designating the current language of subdivision (1) as subdivision (1)(A) and by adding the following language as a new subdivision (1)(B):

(B) In addition to the notice perfected pursuant to subdivision (1)(A), a notice of lien may be sent by any appropriate means, including by any automated means, by the commissioner or any authorized representative of the department, to any person or entity which holds or which may hold any assets payable or due to be paid or transferred to an obligor of overdue support to notify the person or entity of the existence of a lien for overdue support. The receipt of such notice by that person or entity shall be adequate notice of the department's lien upon the obligor's assets of any kind which are held by the person or entity or which may come into that person's or entity's possession or control. Subject to the priorities of subsections (c) and (d), or the subordination of these liens to orders or judgments pursuant to § 36-5-905(c)(1)(A) and (c)(1)(B), and subject to any exemptions allowed by § 36-5-906, payment or transfer to the obligor or other persons or entities of the funds, property, or other assets of any kind which are encumbered by the lien subsequent to the receipt of such notice, shall make the person or entity liable to the department to the extent of the overdue support, up to the value of the transferred assets, in an action in the circuit or chancery court of the county in which the order of support is being enforced.

SECTION 37. Tennessee Code Annotated, Section 36-5-904, is amended by deleting subsection (a) in its entirety and by substituting instead the following:

Enforcement of liens.--In cases where there is an arrearage of child or spousal support in a Title IV-D child support case or in which a lien arises pursuant to § 36-5-901, the department is authorized, without further order of a court, to secure the assets of the obligor to satisfy the current obligation and the arrearage by:

(1) Intercepting or seizing periodic or lump-sum payments or benefits due the obligor:

(A) From a state or local agency;

(B) From judgments of any judicial or administrative tribunal, settlements approved by any judicial or administrative tribunal, and lottery winnings;

(2) By attaching or seizing assets of the obligor or other person or entity held in financial institutions as defined in § 36-5-910;

(3) By attaching public and private retirement funds; and

(4) By imposing liens in accordance with § 36-5-901, and, in appropriate cases by forcing the sale of the obligor's legal or equitable interest in property and by distribution of the proceeds of such sale.

SECTION 38. Tennessee Code Annotated, Section 36-5-905, is amended by deleting the first sentence and by substituting instead the following:

The department may enforce the lien provided by this part by issuance of an administrative order to any person or entity directing the seizure or sale of any assets of an obligor.

SECTION 39. Tennessee Code Annotated, Section 36-5-907(b), is amended by deleting subsection (b) in its entirety and by substituting instead the following:

(b) The department may cause the issuance of releases of liens by filing or recording such release of lien with the Register of Deeds or any other appropriate state or local office as provided under any method authorized pursuant to § 36-5-901 for the filing of notices of liens, or the department may supply copies of such release of liens by the department to any person or entity requesting a release for filing or recording of the release by that person or entity.

SECTION 40. Tennessee Code Annotated, Section 36-5-1001(a)(1), is amended by deleting the punctuation and word “, and” following subdivision (G), by deleting the period (.) following subdivision (H) and by adding the following new subdivisions:

(I) Review of administrative orders for payments of overdue support made pursuant to §§ 36-2-322, 36-5-113, and 37-1-151(e) and orders to engage in work activities pursuant to those sections; and

(J) Review of orders for administrative determination of continuing exclusive jurisdiction pursuant to § 36-5-813.

SECTION 41. Tennessee Code Annotated, Section 36-5-1002(13)(A), is amended by deleting the language “The record of child support” and by substituting instead the language “The record of child or spousal support” and by adding the following sentence before the semicolon ( ; ):

“Spousal support”, as used in this part, shall mean a legally enforceable obligation assessed against an individual for the support of a spouse or former spouse who is living with a child or children for whom the individual also owes support.

SECTION 42. Tennessee Code Annotated, Section 36-5-1002, is amended by re-designating the current introductory language preceding subsection (1) as subsection (a), by designating current subsections (1)-(11) as subdivisions of subsection (a), as re-designated herein, and by re-designating current subsections (12) and (13) as new subsections (b) and (c).

SECTION 43. Tennessee Code Annotated, Section 36-5-1002, is amended by adding the following as new subdivisions (a)(12) and (a)(13):

(12) Review of an administrative order for payment of an overdue child support obligation made pursuant to the provisions of § 36-2-322, § 36-5-113 and § 37-1-151(e) shall be limited to a determination of whether the order is a reasonable amount which would eliminate the arrearage within a reasonable period of time; or, for orders pursuant to § 36-2-322, § 36-5-113 and § 37-1-151(e) which direct the individual to engage in work activities as set forth in § 71-1-154, the appeal shall be limited to a determination of whether there is good cause to excuse the person's participation in those activities. "Good cause" for the work activities determination shall be limited to the availability to the individual of the ordered activities, or the individual's capability to participate in those activities due to disability or other circumstances effectively preventing the individual's participation.

(13) The appeal of an order to determine continuing exclusive jurisdiction pursuant to § 36-5-813 shall be limited to the correct application of the procedures for such determination pursuant to Parts 20-29 of this chapter.

SECTION 44. Tennessee Code Annotated, Section 36-5-1104, is amended by deleting the word "business".

SECTION 45. Tennessee Code Annotated, Section 36-5-1107(d), is amended by deleting the word and figure "Chapter 3" and by substituting instead the word and figure "Chapter 5".

SECTION 46. Tennessee Code Annotated, Section 36-5-1201, is amended by deleting the section in its entirety and by substituting instead the following:

36-5-1201. Administrative Enforcement in Interstate Cases.-- (a) The Department of Human Services, as the Title IV-D child support enforcement agency of this state, shall use high-volume automated administrative enforcement, to the same extent as used for intrastate cases, in response to a request made by another state to enforce support orders, and shall promptly report the results of such enforcement procedure to the requesting state.

(b) The agencies of this or any state which enforce child support may, by electronic or other means, transmit to another state or to this state a request for assistance in enforcing support orders through high-volume, automated administrative enforcement, which request--

(1) Shall include such information as will enable the state to which the request is transmitted to compare the information about the cases to the information in the data bases of the state receiving the request; and

(2) Shall constitute a certification by the requesting state--

(A) of the amount of support under an order the payment of which is in arrears; and

(B) that the requesting state has complied with all procedural due process requirements applicable to each case;

(3) If the department provides assistance to another state with respect to a case, or if another state seeks assistance from the department pursuant to this section, neither state shall consider the case to be transferred to the caseload of such other state; and

(4) The department shall maintain records of--

(A) the number of such requests for assistance received by the department;

(B) the number of cases for which the department collected support in response to such a request; and

(C) the amount of such collected support.

(c) In this part, the term "high-volume, automated administrative enforcement" means the use of automatic data processing to search various available state data bases, including license records, employment service data, and state new hire registries, to determine whether information is available regarding a parent who owes a child support obligation.

SECTION 47. Tennessee Code Annotated, Section 36-5-1301, is amended by deleting the word "commercial" and by adding the language and punctuation "hunting and fishing licenses or recreational licenses," after the language and punctuation "occupational licenses," and before the language "or marriage licenses".

SECTION 48. Tennessee Code Annotated, Section 36-5-1301, is amended by designating the current language as subsection (a) and by adding the following new subsections:

(b) If the agency or office maintaining the records described in subsection (a) allows the use of a number other than the social security number on the face of the license document, and the social security number obtained on the application is kept on file with the agency or office, the agency or office shall so advise the applicant.

(c) All agencies maintaining records as required by subsection (a) shall make such records accessible to the Department of Human Services or its contractors or agents enforcing the provisions of Title IV-D of the Social Security Act, and to the extent possible, in electronic or magnetic automated formats.

SECTION 49. Tennessee Code Annotated, Section 36-5-2102, is amended by deleting the section in its entirety and by substituting instead the following:

36-5-2102. Tribunals of State. The chancery, circuit, juvenile, and any courts exercising domestic relations jurisdiction under any enactment of the General Assembly, and the Department of Human Services when, pursuant to state or federal law, the department is acting in its capacity as the Title IV-D child support enforcement agency of the State of Tennessee to carry out administrative support establishment or support enforcement actions or when adjudicating administrative appeals involving the Title IV-D child support program, are the tribunals of this state.

SECTION 50. Tennessee Code Annotated, Section 36-5-3003, is amended by deleting the section in its entirety and by substituting instead the following:

36-5-3003. Transfer of Support or Custody Cases.--(a) Except as provided in § 36-5-3001(b), a case which includes child support or custody provisions may be transferred between counties in this state without the need for any additional filing by the party seeking transfer, and without service of process upon the non-requesting party, by the filing of a request by the requesting party as set forth herein.

(b) The case may be transferred by the issuing court to a competent court of the county where the child or children reside if each of the following apply:

(1) Neither the child or children, custodial parent/obligee, or the non-custodial parent/obligor currently reside in the issuing county; and

(2) The child or children who are subject to the support or custody order currently reside in the county to which the case is to be transferred and have resided there for at least six (6) months.

(c) A case may also be transferred for modification of support or custody to any court of competent jurisdiction in the county in which the non-custodial parent/obligor resides in this state with no six (6) month residency period if both the child or children subject to the support or custody order and the custodial parent/obligee reside outside this state and the custodial parent/obligee does not object after the provision of notice pursuant to § 36-5-3004. If objection is made, or if the requesting party does not seek immediate transfer without the six (6) month residency period, the requesting party may obtain transfer for modification of the order by demonstrating that the custodial parent/obligee and the child or children have resided outside this state for at least six (6) months. A transfer pursuant to this subsection shall be initiated by written request of the requesting party or department pursuant to the provisions of this part.

(d) If the case has been transferred pursuant to this part, the fact that one of the parties or the child returns to the transferor county does not, by that fact alone, confer jurisdiction upon the previous transferor court. A transfer to the original issuing court requires compliance with the procedures of this part.

(e)(1) "Custodial parent" for purposes of this part shall mean the person with whom the child resides a majority of the time in a situation where there is an order of joint custody or where there exist parenting plans pursuant to Chapter 6, Part 4 of this title which address issues of custody.

(2) "Custodial parent" for purposes of this part shall also include, in addition to a biological or legal parent having legal custody of child, an individual to whom legal custody of the child or children has been given by a court of competent jurisdiction.

SECTION 51. Tennessee Code Annotated, Section 36-5-3004, is amended by deleting subdivision (1) in its entirety and by substituting instead the following:

(1)(A) A sworn statement by the party or the department seeking transfer that, to the best of the requesting party's or the department's knowledge, neither the child or children, the custodial parent/obligee or the non-custodial parent/obligor resides in the transferor county, and that the child or children currently reside in the transferee county and the child or

children have resided in the transferee county for at least six (6) months;  
or

(B) That the non-custodial parent/obligor resides in the county to which the case is to be transferred and that the custodial parent/obligee and the child or children reside outside this state:

(i) and the requesting party seeks an immediate transfer of the case without the six (6) month residency period if the custodial parent/obligee does not object; or

(ii) that the child or children and the custodial parent/obligee have resided outside this state for at least six (6) months.

SECTION 52. Tennessee Code Annotated, Section 36-5-3005(a), is amended by transferring the second sentence of subdivision (3)(A) to the end of subdivision (3)(B).

SECTION 53. Tennessee Code Annotated, Section 36-5-3007(b), is amended by deleting subdivisions (1) and (2) in their entireties, and by substituting instead the following:

(1) One party or the child or children continue to reside in the transferor county;

(2) The child or children have resided in the transferee county for at least six (6) months; or

(3) In the case of a request for transfer alleging the child or children are residing outside this state:

(A) The non-custodial parent/obligor resides in the county to which the case is to be transferred; or

(B)(i) If the child or children have not resided outside this state for at least six (6) months, the custodial parent/obligee objects to the transfer; or

(ii) The child or children and their custodial parent/obligee have resided outside this state for at least six (6) months.

SECTION 54. Tennessee Code Annotated, Section 36-5-3007, is amended by deleting subsection (c) in its entirety.

SECTION 55. Tennessee Code Annotated, Section 36-5-3008(c), is amended by adding the word and symbol "non-custodial parent/" before the word "obligor".

SECTION 56. Tennessee Code Annotated, Section 36-5-3103(a), is amended by deleting the first sentence and by substituting instead the following:

A support order issued by a court of this state may be registered in the county in this state where the child or children reside, for enforcement purposes only. If the case is a Title IV-D support case, at the option of the department, it may be enforced in the county of the residence of the obligor. The order may be

modified in this state in a court other than the issuing court only if transferred pursuant to Part 30 of this chapter.

SECTION 57. Tennessee Code Annotated, Section 36-5-3109, is amended by deleting the section in its entirety and by substituting instead the following:

Whenever the Department of Human Services is acting upon any application for Title IV-D services, whether by assignment of rights of support pursuant to § 71-3-124 or otherwise, it shall have the same right to invoke the provisions of the part as the obligee who has made application for such services.

SECTION 58. Tennessee Code Annotated, Section 37-1-151(b)(4)(C), is amended by deleting subdivision (b)(4)(C) in its entirety and by substituting instead the following:

(b)(4)(C) When the court enters an order in which the paternity of a child is determined or support is ordered, enforced or modified for a child, each individual who is a party to any action pursuant to this part shall immediately file with the court and, if the case is a Title IV-D child support case, shall immediately file with the local Title IV-D child support office, for entry into the state registry of support cases, and shall update, as appropriate, the parties' and, for subdivisions (4)(A)-(4)(C), the child's or children's:

- (A) Full name and any change in name;
- (B) Social security number and date and place of birth;
- (C) Residential and mailing addresses;
- (D) Home telephone numbers;
- (E) Driver's license number;
- (F) The name, address, and telephone number of the person's employer;
- (G) The availability and cost of health insurance for the child; and
- (H) Gross annual income.

The requirements of this subdivision may be included in the court's order.

SECTION 59. Tennessee Code Annotated, Section 37-1-151(e), is amended by deleting subsection (e) in its entirety and by substituting instead the following:

(e) In any case in which a child is receiving assistance under a state program funded under Title IV-A of the Social Security Act, including, but not limited to, temporary assistance as provided under Title 71, and the payment of support for such child is overdue, then, the Department of Human Services may issue an administrative order to direct an individual who owes overdue support to such a child to pay the overdue support in accordance with a plan for payment of all overdue support or engage in work activities, as otherwise required and defined by the provisions of § 36-5-113.

SECTION 60. Tennessee Code Annotated, Section 45-19-101(c), is amended by adding the word "to" between the words "pursuant" and "any provisions" in the first sentence.



SECTION 61. Tennessee Code Annotated, Section 50-6-223, is amended by deleting subsections (b) and (c) and by substituting instead the following:

(b) Notwithstanding the provisions of subsection (a) to the contrary, compensation made by periodic payments shall be subject to income assignment for payment of support as provided by § 36-5-501 et seq. and § 50-2-105.

(c) Notwithstanding the provisions of subsection (a) to the contrary, the Department of Human Services shall have a lien on any lump-sum settlements for the collection of current or overdue support as defined by § 36-5-113, and may enforce such lien as provided by the provisions of Title 36, Chapter 5, Part 9.

SECTION 62. Tennessee Code Annotated, Section 55-50-321(c)(1), is amended by deleting the second and third sentences and by substituting instead the following language:

The information regarding the applicant's social security number shall be maintained in the records of the Department of Safety for use as required by any provisions of state or federal law relative to child support establishment or enforcement or for such other purposes as may be required by law. If the department allows the use of a number other than the social security number on the face of the license, and the social security number obtained on the application is kept on file with the department, the department shall so advise the applicant.

SECTION 63. Tennessee Code Annotated, Section 68-3-302(e), is amended by deleting the subsection in its entirety and by substituting instead the following language:

(e) The birthing institution or other entity receiving the voluntary acknowledgment of paternity shall forward the original, signed acknowledgment of paternity to the Office of Vital Records, and shall send a copy of the signed and notarized acknowledgment of paternity to the Title IV-D child support agency where the mother resides if the mother or child is receiving temporary assistance pursuant to Title 71, Chapter 3, Part 1, Medicaid/TennCare, or any successor programs. Copies of the signed and notarized voluntary acknowledgment of paternity shall also be provided to the mother and father of the child. The copies shall be deemed originals.

SECTION 64. Tennessee Code Annotated, Section 71-1-105, is amended by adding the following new subdivision:

(15) Enforce the provisions of Title IV-D of the Social Security Act (42 U.S.C. 651 et seq.) relative to child and spousal support and establishment of paternity and to contract with public or private entities to provide any services necessary to carry out such provisions.

SECTION 65. Tennessee Code Annotated, Section 71-1-131, is amended by deleting subdivision (a)(1) in its entirety, by deleting in its entirety the language immediately following subdivision (a)(1) but immediately preceding subdivision (a)(2)(A) beginning with the language "Except where the information in the child or spousal support record" and ending with the language "directly connected with:", and by substituting instead the following:

(a)(1)(A) The records of the department, its contractors or agents concerning the provision of Title IV-D child or spousal support services shall be confidential and information in such records shall not be subject

to public inspection by any person or entity and the records shall not be used in judicial, administrative or legislative proceedings or for law enforcement activities, except as otherwise provided in this section.

(B) Any information provided to the department, its contractors or agents by any other state or federal agencies or other entities, which is required by federal or state law or regulations to be provided to the department as part of the department's Title IV-D responsibilities to establish, enforce or modify child or spousal support, but which information is otherwise protected as confidential by the laws or regulations of the United States or by any state's, territory's or other government's law or regulations, shall also be confidential, and shall be held by the department in a confidential manner. Such information shall also not be subject to public inspection by any person or entity and shall not be used in judicial, administrative or legislative proceedings or for law enforcement activities, except as otherwise provided in this section.

(C) Except as limited by subdivision (2), the department, its contractors or agents may disclose any information in the records of the Title IV-D child or spousal support records for purposes directly connected with the establishment of paternity or the establishment, modification, or enforcement of child or spousal support in any judicial or administrative proceeding or for the administration of any part of the child support program.

(2) Except where information in the child or spousal support record provided to the department pursuant to any federal or state law or regulation for purposes related to the establishment, enforcement or modification of child or spousal support under the Title IV-D child support program is otherwise specifically protected from further disclosure or further use by any other federal, state, territorial or other government law or regulation, the department is specifically authorized to further utilize or further disclose any information from the Title IV-D child or spousal support records for any purposes which it determines in its sole discretion are directly connected with:

SECTION 66. Tennessee Code Annotated, Section 71-1-131(a)(2)(F), is amended by deleting the word "authorized" in the first sentence and by substituting instead the language "authorized in any suitable manner as determined by the department or its contractors".

SECTION 67. Tennessee Code Annotated, Section 71-1-131, is amended by deleting subdivision (a)(3) in its entirety and by substituting instead the following:

(3)(A) Notwithstanding the foregoing provisions of this section and any other law to the contrary, no information shall be disclosed by the department pursuant to this section from Title IV-D records maintained by the department, its contractors or agents when:

(i) A protective order has been entered against one party and the release of information from such record would disclose the whereabouts of the party or the child for whose benefit the protective order was entered; or

(ii) The department, its contractors or agents have reason to believe that the release of information concerning the

whereabouts of one party or the child to another person may result in physical or emotional harm to the party or the child.

(B) In situations in which the prohibitions of subdivisions (a)(3)(A)(i) and (ii) arise, the department shall notify the Secretary of the United States Department of Health and Human Services if it determines that there exists reasonable evidence of domestic violence or child abuse against a party or the child and that the disclosure of such information could be harmful to the party or the child.

(C) When a disclosure of information is made from the United States Department of Health and Human Services' Federal Parent Locator Service (FPLS) to a court of this state or an agent of the court of this state, and the court is notified that FPLS has reasonable evidence to show that domestic violence or child abuse has occurred, the court shall determine whether disclosure to any other person of information received from FPLS could be harmful to the parent or child and, if the court determines that disclosure to any other person could be harmful, the court and its agents shall not make such disclosure.

SECTION 68. Tennessee Code Annotated, Section 71-3-124(c), is amended by designating the current language as subdivision (c)(1) and by adding the following new subdivision (2):

(2) The department or any entity, public or private, which contracts with the department to establish paternity or to establish, modify or enforce child or spousal support pursuant to the provisions of Title IV-D of the Social Security Act shall have authority and standing to file any legal actions to establish paternity or to establish, modify or enforce child or spousal support in any judicial or administrative proceeding on behalf of the department and the state for persons who have assigned rights of support to the department pursuant to this section or who have otherwise applied for child or spousal support services pursuant to the provisions of subdivision (1) or Title IV-D of the Social Security Act. The department or its contractors may file such legal actions without the necessity of intervening in an existing action or naming the state as a party to the action. The department or its contractors shall not be required to provide proof that the obligor, the obligee or the child has applied for or is receiving Title IV-D child support services in order to meet the requirements for conducting Title IV-D child support judicial or administrative actions.

SECTION 69. Tennessee Code Annotated, Section 36-5-703(b), is amended by inserting the punctuation and language ", except that, notwithstanding any law to the contrary, the appeal of the department's administrative order based upon the hearing pursuant to this part shall be made by the obligor in accordance with the jurisdictional and judicial review provisions of § 36-5-1003" between the language "Administrative Procedures Act" and the semicolon (;).

SECTION 70. Tennessee Code Annotated, Section 36-5-704(b), is amended by deleting the second sentence in its entirety and by substituting instead the following:

The department's administrative order must inform the obligor that a petition for judicial review of the department's decision must be filed within sixty (60) days of the date of the administrative order in accordance with the jurisdictional and judicial review provisions of § 36-5-1003.

SECTION 71.

(a) Tennessee Code Annotated, Section 36-6-414(b)(2), is amended by deleting the words "to cover the cost of the mediation" and by substituting instead the following:

to cover the cost of mediation, education programs and coordination of mediation

(b) Tennessee Code Annotated, Section 36-6-407(2), is further amended by deleting the sentence which reads, "One (1) mediator shall serve the four (4) circuit courts of Hamilton County."

(c) Tennessee Code Annotated, Section 36-6-401(b), is amended by deleting subdivision (6) and by renumbering the subsequent subdivision accordingly.

SECTION 72. Tennessee Code Annotated, Section 36-5-101, is amended by adding the following as a new subsection:

( ) The court may continue child support beyond a child's minority for the benefit of a child who is handicapped or disabled, as defined by the Americans with Disabilities Act, until such child reaches the age of twenty-one (21). In so doing, the court may use the child support guidelines.

SECTION 73. Tennessee Code Annotated, Section 36-2-313, is amended by adding the following language to the end of subsection (c):

Notwithstanding any law or regulation to the contrary, the clerk shall not be required to transmit any fee for the processing or issuance of a birth certificate unless such fee is paid by, or on behalf of, the parent, guardian or legal custodian of the child. Upon receipt of the fee required by the Department of Health, the clerk shall transmit such fee to the Registrar of Vital Records. Notwithstanding any law or regulation to the contrary, the registrar shall not be required to issue a new certificate of birth until such fee is paid.

SECTION 74. Tennessee Code Annotated, Section 36-6-401(c), is amended by adding the following additional language at the end of the subsection:


The administrative office of the courts shall request a report on the pilot project from the Tennessee Bar Association and such other entities as it may deem appropriate and shall transmit such report(s) to the General Assembly with the report filed by the administrative office of the courts.

SECTION 75. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

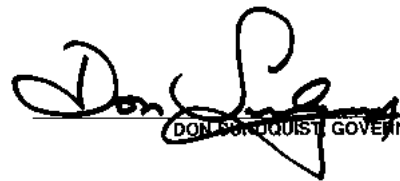
SECTION 76. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: April 29, 1998

  
JOHN S. WILDER  
SPEAKER OF THE SENATE

  
JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

APPROVED this 19<sup>th</sup> day of May 1998

  
DON S. QUIST, GOVERNOR